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Attorneys for the Government of Guam

**IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM**

ARNOLD DAVIS, on behalf of  
himself and others similarly situated,

Plaintiff,

vs.

GUAM, GUAM ELECTION  
COMMISSION, et al,

Defendant(s).

CIVIL CASE NO. 11-00035

DEFENDANT'S CONCISE  
STATEMENT OF  
MATERIAL FACTS IN  
OPPOSITION TO MOTION  
FOR SUMMARY  
JUDGMENT

Pursuant to CVLR 56, Defendant submits his concise statement of material facts in opposition to Movant's Motion for Summary Judgment.

Facts 1 through 27 correspond to the facts and supporting evidence presented in the Movant's Separate Concise Statement of Material Facts. Where appropriate, Defendant has indicated that the facts relied upon by Movant is controverted.

FACTS	EVIDENTIARY SUPPORT
1. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 2;

	(Ex. B) Defendant's Response to Request of Admissions ¶ 2
2. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 4; (Ex. B) Defendant's Response to Request of Admissions ¶ 1
3. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 3
4. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 5; (Ex. C) Plaintiff's Voided Voter Registration Form
5. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 5-6; (Ex. C) Plaintiff's Voided Voter Registration Form
6. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 7
7. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 8
8. Undisputed	(Ex. A) Declaration of Arnold Davis ¶ 9
9. Undisputed	(Ex. B) Defendant's Response to Request of Admissions ¶ 5
10. Undisputed	(Ex. B) Defendant's Response to Request of Admissions ¶ 3
11. Undisputed	(Ex. D, D1) 2000 U.S. Decennial Census; 1990 U.S. Decennial Census; 1950 U.S. Decennial Census; Expert Report of Dr. Tom Brunell at 3-4; (Ex. E) 1940 U.S. Decennial Census.
12. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4; 1950 U.S. Decennial Census, Part 54, Page 49. Table 38
13. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4; 1950 U.S. Decennial Census, Part 54, Page 49. Table 38
14. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4; 1950 U.S. Decennial Census, Part 54, Page 49. Table 38

15. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4; 1950 U.S. Decennial Census, Part 54, Page 49. Table 38
16. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4; 1950 U.S. Decennial Census, Part 54, Page 49. Table 38
17. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4; 1950 U.S. Decennial Census, Part 54, Page 49. Table 38
18. Undisputed	(Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 4-5 citing Table DP-01, Profile of General Demographic Characteristics for Guam, Comparison 1990 and 2000, Guam Department of Commerce based on United States Census data.
19. Disputed. Item No. 19 is not a fact but rather a conclusory statement.	Movant's Concise Statement No. 19; (Ex. D, D1) Declaration of Dr. Tom Brunell ¶ 2; Expert Report of Dr. Tom Brunell at 5
20. Undisputed	(Ex. E) 1940 U.S. Decennial Census, Guam, at 2
21. Disputed. Item No. 21 is not a fact but rather a conclusory statement.	Movant's Concise Statement No. 21; (Ex. F) Legislative History, P.L. 23-130, <i>passim</i>
22. Disputed. Item No. 22 is not a fact but rather a conclusory statement.	Movant's Concise Statement No. 22; (Ex. G) Legislative History, P.L. 23-130, <i>passim</i>
23. Disputed. Item No. 23 is not a fact but rather a conclusory statement.	Movant's Concise Statement No. 23; (Ex. G) Legislative History, P.L. 23-147; 23d Guam Legislature Committee on Federal and Foreign Affairs, Committee Report on Bill No. 765, Committee Findings, <i>passim</i>
24. Disputed. Item No. 24 is not a fact but rather a conclusory statement..	Movant's Concise Statement No. 24; (Ex. G) Legislative History, P.L. 23-147, <i>passim</i>

25. Disputed. Item No. 25 is not a fact but rather a conclusory statement.	Movant's Concise Statement No. 25; (Ex. H) Legislative History Guam, P.L. 25106
26. Disputed. Item No. 26 is not a fact but rather a conclusory statement..	Movant's Concise Statement No. 26; (Ex. I) Legislative History P.L. 31-92, May 20, 2011 Roundtable on Political Status
27. Undisputed	(Ex. B) Defendant's Response to Request for Admissions ¶ 7

Dated this 20 day of November, 2015.

OFFICE OF THE ATTORNEY GENERAL  
**Elizabeth Barrett-Anderson**, Attorney General

By:

  
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